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OCT. 7.2004 9:48AM C L

NO.995 P.2/7

Action No. 0401-10854
Deponent: Henry H. Assen
Sworn the 6th day of October, 2004

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF CALGARY

BETWEEN:

DEVON CANADA CORPORATION

Plaintiff

- and -

PE-PITTSFIELD, LLC and PUREENERGY I, LLC, both carrying on business under the firm name and style of PITTSFIELD GENERATING COMPANY, LP and the said PITTSFIELD GENERATING COMPANY, LP, ALTRESCO, INC. (sometimes known as ALTRESCO INCORPORATED) carrying on business under the firm name and style of PITTSFIELD GENERATING COMPANY, LP (formerly known as ALTRESCO PITTSFIELD, LP) and the said PITTSFIELD GENERATING COMPANY, LP (formerly known as ALTRESCO PITTSFIELD, LP)

Defendants

AFFIDAVIT

I, HENRY ASSEN, of the City of Calgary, in the Province of Alberta, Businessman, MAKE OATH AND SAY AS FOLLOWS:

1. I am the Vice President, Marketing of the Plaintiff Devon Canada Corporation ("Devon") and as such have a personal knowledge of the facts and matters hereinafter deposed to except where stated to be based upon information and belief, and where so stated I do verily believe the same to be true.
2. On October 5, 2004, Devon received the letter of October 4, 2004 from Pittsfield Generating Company, L.P. ("PGC") a copy of which is now shown to me and marked as Exhibit "A" to this my Affidavit.

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3. On October 5, 2004, Devon sent to PGC a Notice of Termination of deliveries of gas under the subject Gas Purchase Agreement effective as of 8:00 a.m. Calgary time on October 8, 2004. A copy of such Notice is now shown to me and marked as Exhibit "B" to this my Affidavit.
4. ~~For the twelve month period of October, 2003 to September, 2004, the price at~~
Empress, Alberta under the said Gas Purchase Agreement was \$4.091/gigajoule whereas the price as reported by the Canadian Gas Price Reporter at Empress, Alberta over the same time frame was \$6.165/gigajoule. Based on the contract deliveries over that same period, the difference in value between the pricing under the Gas Purchase Agreement as opposed to a market price is approximately \$26,000 per day.
5. I make this my Affidavit in opposition to PGC's application for an order for a stay of this Action pending the determination of an appeal of the Order of the Honourable Justice B.E. Mahoney dated September 13, 2004.

SWORN BEFORE ME at the City of)
Calgary, in the Province of Alberta, this 6th)
day of October, 2004.)


A Commissioner for Oaths in and for the
Province of Alberta)


HENRY H. ASSEN)

MELANIE FERSTER
Commissioner for Oaths in and for
the Province of Alberta
Expiry Date: May 15, 2006